

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 Priority Mail Express Package Tracking Number
 EJ773145977US postmarked June 14, 2022

Case No. 3:22-mj-201

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Priority Mail Express Package, EJ773145977US, addressed to MR C. CUMMINS 2407 ST. CHARLE AVE DAYTON OH 45410 with a return address of HECTOR 4059 5TH ST RIVERSIDE CA. 92501.

located in the Southern District of Ohio, there is now concealed *(identify the person or describe the property to be seized)*:

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. 841(a)(1)	Distribution and possession with intent to distribute a controlled substance
21 U.S.C. 846	Conspiracy to distribute/possess with intent to distribute a controlled substance
21 U.S.C. 843(b)	Use of a communication facility to commit a felony

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days *(give exact ending date if more than 30 days: _____)* is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Joseph L. Rossiter, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

Telephone *(specify reliable electronic means).*

Date: June 24, 2022

City and state: Dayton, OH

Caroline H. Gentry

United States Magistrate Judge

Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF
PRIORITY MAIL EXPRESS PACKAGE
TRACKING NUMBER EJ773145977US

Case No. 3:22-mj-201

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **Joseph Rossiter**, being first duly sworn, hereby depose and state as follows:

1. I am a United States Postal Inspector and have been since May 2016. I am presently assigned to the Cincinnati Field Office of the United States Postal Inspection Service, Pittsburgh Division, with investigative responsibility for southeast Indiana and southern Ohio. Part of my responsibility involves investigating the use of the United States Mail in the transportation of narcotics, other dangerous controlled substances, and financial proceeds from, or instrumentalities used in, the sale of such narcotics and controlled substances (hereinafter, "Drugs and/or Proceeds").

2. Based on my training and experience as a United States Postal Inspector, I have become aware that drug traffickers frequently use United States Priority Mail Express (overnight) or Priority Mail (2-3-day) to transport Drugs and/or Proceeds. Additionally, as a result of prior investigations, law enforcement training, and successful controlled-substance prosecutions involving the use of the United States Mail, I have learned of certain common characteristics and/or circumstances that indicate that a package may contain Drugs and/or Proceeds. These circumstances and/or characteristics include, but are not necessarily limited to, the following: the mailer uses different post offices on the same day to send packages, the return address is false or non-existent, the addressee is not known to receive mail at the listed delivery address, the

package is heavily taped, the package is mailed from a known drug source location, the labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanate from the package, and the listed address is located in an area of known or suspected drug activity.

3. On or about June 15, 2022, I was contacted by Los Angeles Division Postal Inspection Service that a package suspected of containing narcotics intended for the Dayton, OH area was in their possession. The suspected package was then sent to the Postal Inspection Service Cincinnati Field Office. On or about June 17, 2022, I received the suspected package from the Los Angeles Division Postal Inspection Service. Due to operational necessities, Postal Inspectors were unable to immediately seek a warrant. Thus, the Package was placed in a controlled storage area, and has been stored in a secure manner in order to maintain the integrity of the contents until such time as a warrant could be obtained. The Package is a Priority Mail Express flat rate envelope, bearing tracking number EJ773145977US, postmarked June 14, 2022, with the following address information:

Sender: HECTOR
4059 5TH ST
RIVERSIDE CA. 92501

Addressee: MR C. CUMMINS
2407 ST. CHARLE AVE
DAYTON OH
45410

Through training and experience as a Postal Inspector, I know that Southern California is known drug source location.

4. I performed a check in CLEAR database for the addressee's information on the Package of "MR C. CUMMINS 2407 ST. CHARLE AVE DAYTON OH 45410." CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and

address information. According to CLEAR, there is no "C. CUMMINS" associated with 2407 St. Charles Ave, Dayton, OH 45410.

5. I also performed a check in CLEAR for the sender's information listed on the Package of "HECTOR 4059 5TH ST RIVERSIDE CA. 92501." According to CLEAR, there is a "Hector Martinez" associated with 4059 5th St, Riverside, CA 92501 in 2018, but is currently associated with a different address.

6. On June 23, 2022, at my request, Dayton Police Department Officer Jeremy Stewart conducted a narcotics-detection canine "free air" check of the outside of the Package. I was present during said check. The Package was placed in a controlled area and presented to narcotics-detection canine, "Weston." As set forth in the attached affidavit of Officer Stewart, "Weston" alerted positively for the presence or odor of a narcotic or other controlled substance. "Weston" is a properly trained and certified narcotics-detection canine.

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7. Based on my prior law enforcement training and experience as a United States Postal Inspector, the Package's address information, including (i) no known current association between the sender and return address, (ii) no known association between the addressee and recipient address, and (iii) the positive alert of the narcotics-detection canine are all indicative of and consistent with Drugs and/or Proceeds in the Package.

Therefore, a search warrant to open the Package is requested.


Further, your affiant sayeth naught.

Respectfully submitted,



Joseph L. Rossiter
Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to and before me this 24th day of June, 2022.



Caroline H. Gentry
United States Magistrate Judge





UNITED STATES POSTAL INSPECTION SERVICE

PITTSBURGH DIVISION

OFFICER AFFIDAVIT

I, Officer Jeremy Stewart, am and have been employed by the Dayton Police Department since 2014. Among other duties, I am currently the assigned handler of narcotics detection canine "Weston" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

Marijuana, Cocaine, Methamphetamine, and Heroin

On 6/23/22, at the request of Postal Inspector ROSSITER, I responded to the

DAYTON P&DC, where "Weston" did alert to and indicate upon: [describe item]

<u>HECTOR</u>	<u>MR C. CUMMINS</u>
<u>4059 5TH ST</u>	<u>2407 ST. CHARLE AVE</u>
<u>RIVERSIDE CA. 92501</u>	<u>DAYTON OH</u>
<u>EJ7731459770S</u>	<u>45410</u>

Which, based upon my training and experience and that of "Weston", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

[Signature] 28948, 6-23-22
(Signature, Badge #, and Date)

[Signature] 6/23/22
(Witness/Date)